

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG (STAUNTON) DIVISION**

**In re:**

**CLIFTON CURTIS CLEMENTS  
CHRISTINE MARIE CLEMENTS,**

**CHAPTER 13**

**Debtors.**

**CASE NO. 08-51006-RWK-13**

**BAC HOME LOANS SERVICING, L.P., FKA  
COUNTRYWIDE HOME LOANS SERVICING,  
L.P., AS SERVICER FOR WELLS FARGO  
BANK, NATIONAL ASSOCIATION AS  
TRUSTEE FOR SECURITIZED ASSET  
BACKED RECEIVABLES LLC 2005-FR5  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-FR5,**

**Plaintiff.**

**vs.**

**CLIFTON CURTIS CLEMENTS  
AKA CLIFTON C. CLEMENTS  
CHRISTINE MARIE CLEMENTS  
AKA CHRISTINE M. CLEMENTS  
HERBERT L. BESKIN, TRUSTEE,**

**Defendants.**

**ORDER GRANTING MOTION FOR RELIEF**

Upon consideration of the Motion of the Plaintiff, BAC Home Loans Servicing, L.P., fka Countrywide Home Loans Servicing, L.P., as Servicer for Wells Fargo Bank, National Association as Trustee for Securitized Asset Backed Receivables LLC 2005-FR5 Mortgage Pass-Through Certificates, Series 2005-FR5, to amend the automatic stay, the Trustee having filed a Report of No Distribution, and the Court finding grounds to grant the Motion;

It appears that the Debtors are the owners of certain real property hereinafter described upon which

Plaintiff holds a valid Deed of Trust; that the Plaintiff is entitled to maintain its lien against said property and to pursue such remedies as it may have in its Deed of Trust whereby it obtained such lien; and it is

**ORDERED** that the automatic stay of 11 U.S.C., Section 362 be, and it is hereby, modified to allow the Plaintiff, its successors and assigns to enforce the lien of its Deed of Trust set out in its Motion pertaining to the property located at 199 Arrowhead Lane, Stuarts Draft, VA 24477, and described as follows:

All that certain lot or parcel of land, together with all buildings and improvements thereon, rights, privileges and appurtenances thereunto belonging or in anywise appertaining, lying and being in the South River District of Augusta County, Virginia, described and designated as Lot Two Hundred Forty Four (244), Forest Springs Estate, Section 17, as shown on "Final Plat of Forest Springs Estate, Section 17, South River District, Augusta County, Virginia," dated November 30, 2000, made by Barry E. Lotts, P.C., recorded in the Clerk's Office of the Circuit Court of Augusta County, Virginia, in Plat Book 1, pages 4635-4638; and being a portion of the property conveyed to Rutherford Construction, Inc., a Virginia corporation, by deed from A. Troy Rutherford and Pamela I. Rutherford, husband and wife, dated June 9, 1999, and recorded in the aforesaid Clerk's Office in Deed Book, 1526 page 836.

The improvements thereon being known as 199 Arrowhead Lane, Stuarts Draft, VA 24477.  
Tax ID # 084E-(18)-244

The Trustee is hereby relieved of any and all obligations to cure arrearage due and/or make any payments to Plaintiff pursuant to the Chapter 13 plan.

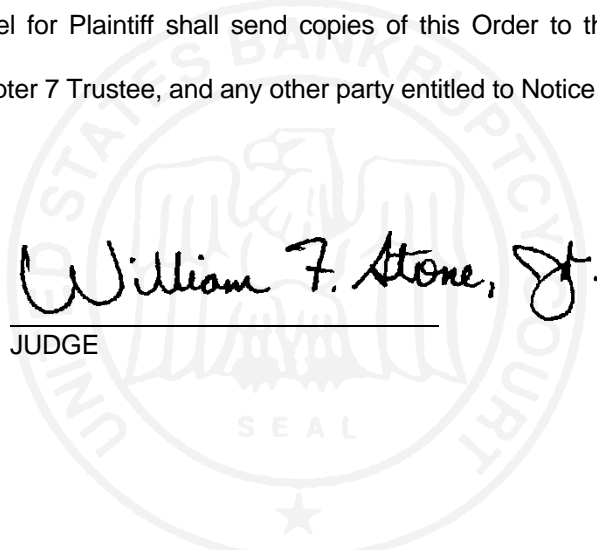
Relief under this Order shall extend to the purchaser at any foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property.

The Plaintiff must file with the court any claim for deficiency within one hundred eighty (180) days from the entry of the Order Granting Relief, with such claim to be accompanied by an accounting/breakdown for which the claim is filed, or such deficiency shall be forever waived.

It is further **ORDERED** that the fourteen (14) day stay is hereby waived and the terms of this Order are immediately enforceable.

Pursuant to Local Rule 9072-1, Counsel for Plaintiff shall send copies of this Order to the Debtors, Counsel for Debtors, Plaintiff's Counsel, the Chapter 7 Trustee, and any other party entitled to Notice.

Entered this 8th day of July, 2010.

A large, faint, circular seal of the United States Bankruptcy Court for the District of Virginia is visible in the background. It features an eagle with spread wings in the center, surrounded by the words "UNITED STATES BANKRUPTCY COURT" and "DISTRICT OF VIRGINIA".  
*William F. Stone, Jr.*

JUDGE

I ask for this:

**/s/ ERIC DAVID WHITE**

Samuel I. White, P. C.

Eric David White, Esquire, VSBN 21346

Michael T. Freeman, Esquire, VSBN 65460

Counsel for BAC Home Loans Servicing, L.P., fka Countrywide Home Loans Servicing, L.P., as Servicer for Wells Fargo Bank, National Association as Trustee for Securitized Asset Backed Receivables LLC 2005-FR5 Mortgage Pass-Through Certificates, Series 2005-FR5

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

Seen and Agreed:

**/S/ GEORGE I. VOGEL**

George I. Vogel, Esquire

Chapter 7 Trustee

P.O. Box 18188

Roanoke, VA 24014